

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CAROLYN S. CLEMENS,

Plaintiff,

vs.

JOSEPH M. ACIERNO, et al.,

Defendants.

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8:05cv122

MEMORANDUM AND ORDER

On November 11, 2005 (filing no. 12), the court ordered the plaintiff to file a brief in response to the defendants' motion to dismiss by no later than November 28, 2005. The court warned the plaintiff that in the absence of a timely responsive brief, this action could be subject, without further notice, to dismissal, without prejudice, as abandoned and for lack of prosecution. There has been no response by the plaintiff. Therefore, this case appears to be abandoned and will be dismissed, without prejudice, for lack of prosecution. See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution." A separate judgment will be entered accordingly.

SO ORDERED:

November 30, 2005.

BY THE COURT:

/s Richard G. Kopf
United States District Judge